

REMARKS/ARGUMENTS

The Examiner is thanked for continuing attention to this application. In order to expedite prosecution of this case, applicant herein amends all pending claims to include subject matter indicated allowable by the Examiner. This amendment should not be taken as an agreement with any of the Examiner's positions during this prosecution and applicant retains the right to pursue the original claims in another application.

Formal Matters

Applicant has responded to the Examiner's formal matter objections in amendments to the claims and specification provided above.

35 U.S.C. § 102(e)

Ewing (7,043,543)

Claims 7-12, 14-16, and 20 stand rejected under 35 U.S.C. § 102(e) an allegedly anticipated by Ewing.

Applicant notes that this is a prior invention rejection, with a filing date of Ewing as August 15, 2001. Applicant further notes that August 15, 2001 should be the effective date of the Ewing reference, as its parent patent 7,099,934 has not been shown to disclose the individual current monitoring or any other aspect of Applicant's claimed invention. (See M.P.E.P. 2136.03.)

Applicant further provides herewith an affidavit or declaration of prior invention to overcome the 35 U.S.C. § 102(e) rejection. This affidavit and declaration demonstrate Applicants conception prior to August 15, 2001 and diligent effort to reduce to practice.

Applicant therefore respectfully requests that the Ewing reference be withdrawn and a timely Notice of Allowance be issued in this case.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3508.

If after consideration of the above response, the Examiner does not find that all pending claims are in condition for allowance, **applicant hereby requests a telephone interview with the Examiner. Please contact the undersigned at (510) 769-3508.**

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Respectfully submitted,

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